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C O N F I D E N T I A L SECTION 01 OF 04 BANGKOK 000517

SIPDIS

DEPARTMENT FOR EAP/MLS AND EAP/RSP

E.O. 12958: DECL: 03/02/2019

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SUBJECT: ASEAN SUMMIT MAKES HEADWAY ON FLESHING OUT PROMISE
OF ASEAN CHARTER

REF: BANGKOK 505

BANGKOK 00000517 001.2 OF 004

Classified By: Charge d'Affaires, a.i. James F. Entwistle, reason: 1.4
(b, d).

11. (SBU) Summary: The delayed 14th annual Summit meeting of ASEAN leaders took place February 27 - March 1 between the seaside towns of Cha Am and Hua Hin. The primary focus was promoting the promise the new ASEAN Charter holds for creating a peoples-centered community by 2015 based on three pillars: political-security; economic; and socio-cultural. Preceded by separate meetings by ASEAN Finance Ministers, Commerce Ministers, Defense Ministers, and Foreign Ministers, the Summit provided ASEAN leaders' imprimatur for various documents, including the terms of reference for a Human Rights Body (complete list at paragraph 16). The Foreign Ministers reportedly spent much of their dinner discussing Burma (both Rohingya issue and in general) and the need for Burma to do more. A meeting between ASEAN leaders and members of civil society set a positive precedent, although Burmese and Cambodian activists were excluded at the insistence of their Prime Ministers. Septels will report on the bilateral meetings of visiting U.S. Ambassador to ASEAN Marciel.

12. (C) Comment: The very fact that ASEAN openly debated issues like civil society engagement, the terms of reference for the Human Rights Body mandated in the Charter, and the need for Burma to do more is a welcome sign of progress, even as the criticism from ASEAN voices impatient with the progress to date has legitimacy. ASEAN generally moves at a slow pace, and the agreements concluded at the Summit mark incremental progress, with no dramatic surprises and no immediate impact on political or economic developments. A pleasant surprise was the endorsement of the Leaders-civil society dialogue by the Vietnamese President, since Vietnam will assume the ASEAN Chair in 2010. After suffering a blow to its stature a few months ago, when protesters shut Bangkok's international airports, Thailand was able to prevent further embarrassing setbacks during the Summit, with PM Abhisit drawing positive reviews for his performance. End Summary and Comment.

PEOPLES-CENTERED ASEAN, HUMAN RIGHTS BODY

¶3. (SBU) Thais have taken pride in their country's chairing ASEAN during the period in which the ASEAN Charter (a Charter for the ASEAN Peoples) came into force on December 15, and the unofficial theme of this summit was making ASEAN a more people-centric organization. One of the Charter's high-profile provisions (Article 14) called for the establishment of an ASEAN human rights body. ASEAN Leaders approved the terms of reference (TOR) for the body, agreeing that it should be "inaugurated and operationalised by the 15th ASEAN Summit at the end of 2009."

¶4. (SBU) Discussion of the TOR by FMs was animated, Philippine Foreign Secretary Romulo told EAP DAS/Ambassador for ASEAN Affairs Scot Marciel. Some stressed the need for an evolutionary approach; Romulo said that he replied that the UN Universal Declaration of Human Rights had been signed 60 years ago. Many activists commentators have criticized the TOR for merely promoting rather than also protecting human rights (the Charter mandates both). In a March 2 video conference with civil society activists in eight ASEAN countries, ASEAN SecGen Surin defended the TOR, citing the U.S. Declaration of Independence in asserting that every country promulgated aspirational documents that took years to fulfill in practice.

BURMA AND ROHINGYA: "ILLEGAL MIGRANTS IN THE INDIAN OCEAN"

¶5. (SBU) Romulo and Cambodia's Khao Kin Horn confirmed to Ambassador Marciel that much of the February 27 FM's dinner was taken up with Burma-related issues, both the Rohingya issue, but also broader problems. Some FMs told the Burmese that the new U.S. administration was reaching out to the

BANGKOK 00000517 002.2 OF 004

region, and that the Burmese needed to take some positive steps. The Burmese FM reportedly insisted they were working hard. After the FM dinner, Thai FM Kasit told the press that the Burmese had agreed to take back migrants who could prove they had come from Burma and were of Bengali (but not Rohingya) origin.

¶6. (SBU) The Chairman's Statement briefly discussed conditions in Burma, noting that Burmese Prime Minister Thein Sein briefed his counterparts "on recent political developments and the progress made in the implementation of the 7-step Roadmap to Democracy." ASEAN Leaders "encouraged the Myanmar Government to facilitate the national reconciliation process to be more inclusive so as to strengthen national unity," and added: "the release of political detainees and the inclusion of all political parties in the political process leading to the general elections in 2010 will contribute significantly to the national reconciliation process." The Statement also welcomed the Burmese "willingness to engage in active cooperation... with the UN Secretary General's Special Envoy as well as the UN Special Rapporteur on Human Rights in order to address the international community's concern about the situation in Myanmar."

¶7. (SBU) The Chairman's Statement also noted discussion of Rohingya migrants, who were identified only as "illegal migrants in the Indian Ocean." The Statement said the ASEAN Secretary General should coordinate with the government of Burma to compile relevant statistics but also noted "the issue should be addressed in a larger context, such as the contact group of affected countries and the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes."

ECONOMIC MATTERS: NO PROTECTIONISM, CMI ENHANCED

¶8. (SBU) ASEAN leaders engaged in two and a half hours of discussion of economic and financial matters March 1 and

issued a separate statement on the global economic crisis. The Chairman's Statement said ASEAN leaders were "standing firm against protectionism" and would "strengthen our cooperation with the International Financial Institutions" while also calling for "a bold and urgent reform of the international financial system" -- a message that Prime Minister Abhisit may repeat at the Group of 20 meetings in April, but without specific recommendations. The separate Press Statement on the Global Economic and Financial Crisis welcomed the agreement of ASEAN Plus Three Finance Ministers "to increase the size of the Chiang Mai Initiative Multilateralisation (CIMI) from \$80 billion \$120 billion..." The Chairman's Statement also expressed appreciation for the British invitation for Thailand, as ASEAN Chair, to attend the April G-20 Summit.

¶9. (SBU) The ASEAN leaders pledged to expand and open up trade by reducing tariff and non-tariff barriers, proclaiming the free trade agreement with Australia and New Zealand as a significant achievement in these difficult economic times. Note: The free trade agreement, nearly four years in the making, will come into force later this year and will be implemented incrementally until 2020. The agreement, which includes sections on goods, services investment, and intellectual property, is considered the most extensive that ASEAN has negotiated. The full text is available at <http://www.dfat.gov.au/trade/fta/asean/aanzfta/contents.html>.

¶10. (SBU) The Chairman's Statement also noted: the importance of addressing climate change and developing alternative energy sources; efforts to establish an ASEAN Plus Three Emergency Rice Reserve; and the signing of the ASEAN Petroleum Security Agreement.

CIVIL SOCIETY DIALOGUE PRECEDENT - BUT EXCLUSIONS

¶11. (SBU) Consistent with ASEAN's "people-centric" approach, ASEAN leaders met on February 28 with civil society

BANGKOK 00000517 003.2 OF 004

representatives from six of the ten countries chosen by 700 delegates to the ASEAN FORUM (reftel). The surprise highlight, according to Kavi Chongkittavorn, Thailand's leading commentator on ASEAN issues, was the Vietnamese President's positive attitude, calling for the interface to be institutionalized. As 2010 ASEAN Chair, he will have the chance to do just that. However, two activists chosen by the ASEAN FORUM -- Khin Ohmar (from Burma) and Pen Somony (from Cambodia) -- were excluded, after their governments objected. Thai PM Abhisit and FM Kasit made a point of talking separately with the two after the formal dialogue with the ten leaders had concluded.

¶12. (C) According to various sources, the civil society dialogue almost fell apart late February 27. Cambodian leader Hun Sen was particularly emotional, ASEAN SecGen Surin told EAP DAS Marciel, claiming that inviting such people without consultation would create anarchy. According to Thitinan Pongsudhirak, the Thai Moderator for the dialogue, Hun Sen was furious that Pen Somony, selected by the ASEAN FORUM gathering, had previously worked for rival Sam Rainsy; Hun Sen demanded the civil society delegation include his own selected representative who had not participated in the ASEAN Forum. In the end, Abhisit and Kasit proposed a two tier solution: eight civil society reps, minus Khin Ohmar and Pen Somony, would meet the leaders, and Abhisit would meet the excluded duo. The civil society representatives backed off a threatened solidarity boycott and accepted the compromise, allowing the session to proceed.

POLITICAL-SECURITY PILLAR, DISASTER RELIEF, CT

¶13. (SBU) ASEAN SecGen Surin highlighted the progress made on the political-security pillar in his March 2 civil society

outbrief. In addition to the leaders' endorsement of the blueprint, which the leaders formally agreed would constitute one of several components of the "Roadmap for an ASEAN Community (2009 - 2015)," the Defense Ministers meeting February 25-17 had approved the use of military assets for disaster relief. Combined with the upcoming exercise in May in the Philippines, Surin noted, these steps showed that ASEAN had finally started moving from the confidence building measures launched by the ASEAN Regional Forum in the early 1990s toward the preventative diplomacy phase. The Chairman's Statement also took note of training on disaster management through the Asian Disaster Preparedness Centre and the designation of the ASEAN Secretary General as ASEAN's humanitarian assistance coordinator.

¶14. (SBU) While there was no mention of counter-terrorism in the Chairman's Statement, CT was one element of the ASEAN Political-Security Community Blueprint. Section B.4.2 of this document called for states to "work toward entry into force of the ASEAN Convention on Counter-Terrorism (ACCT) by 2009," the ratification of "the relevant international instruments on counter terrorism," and "effective implementation of the ASEAN Comprehensive Plan of Action on Counter-Terrorism," among other efforts.

GAZA

¶15. (SBU) While the situation in Burma and the plight of the Rohingya migrants merited one paragraph each in the Chairman's Statement, the document had two paragraphs on the situation in Gaza. The text related that "the welfare and well being of the Palestinian people in the Gaza was of paramount importance." It called for "the unimpeded access of humanitarian assistance to the Palestinian people" and "urged active participation by all countries concerned in an International Conference on Gaza Reconstruction organized by Egypt in Sharm El-Sheikh on 2 March." The ASEAN leaders supported "a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in UN Security Council resolution 1850 (2008) and the Arab Peace Initiative."

BANGKOK 00000517 004.2 OF 004

DOCUMENT LIST AND CHAIR STATEMENT

¶16. (U) According to media reporting, the sole document signed by the ASEAN heads of government was the Cha-am Hua Hin Declaration on the Road Map for an ASEAN Community (2009 - 2015). The Declaration is a concise document, with a very brief operational section that principally established that other documents pertaining to ASEAN matters would constitute "the Roadmap for an ASEAN Community (2009 - 2015)," replacing the Vientiane Action Programme. The Chairman's Statement captures ASEAN views of issues of substance. Ministers from the ASEAN governments also signed the ASEAN Petroleum Security Agreement. Additionally, ASEAN leaders also adopted or noted the following documents:

- ASEAN Political Security Community Blueprint
- ASEAN Socio-Cultural Community Blueprint
- Second Initiative for ASEAN Integration Work Plan
- Joint Declaration on the Attainment of the Millennium Development Goals in ASEAN
- Statement on Food Security in the ASEAN Region
- Press Statement on the Global Economic and Financial Crisis
- ASEAN Secretary General's Annual Report
- Report on Progress of the Vientiane Action Programme
- Report Card on the Follow-up to the 13th ASEAN Summit and Related Summits
- Report of the Executive Director of the ASEAN Foundation
- ASEAN Economic Community Scorecard
- Report on the ASEAN Economic Community Awareness Year 2008

- Report on the ASEAN Anthem Competition
- Action plan on counterterrorism (ratification of international agreements)

¶17. (U) The Chairman's Statement addressed a wide range of issues, including:

- The formation of an ASEAN human rights body before 2010;
- The desirability of Burma taking a more inclusive approach to politics, including the release of political prisoners;
- Mechanisms for addressing concern over Rohingya migrants;
- ASEAN's response to the global economic crisis;
- Steps to reduce vulnerability to disasters;
- Conditions in Gaza; and
- The appointment of non-ASEAN Ambassadors to ASEAN.

ENTWISTLE